

### REMARKS

Claim 1-37 are pending in the present application. Claims 1-2, 11-12, 21-30, 33, and 36-37 have been amended to delete unnecessary language, to incorporate elements from dependent claims, to make explicit what was implicit, to further clarify the invention, and/or to correct informalities. Support for the claims amendments can be found, for instance, in the claims as originally filed and in the specification. Applicant reserves the right to file a continuation to pursue any amended claim in its original form. No new matter has been added.

#### Objections to the Claims

Claims 1, 11, 21, 30, 33, and 36-37 have been objected to. In particular, the Examiner states:

Claims 1, 21, 30, and 36 recite the limitation “providing path-level access control to a structured document” starting in line 1, which states the “intended use” of the database system. Function(s) following the term “for” indicate “system ability” and/or “intended use” and do(es) not hold patentable weight.

Claims 11, 33, and 37 recite the limitation “providing path-level access control to a structured document” starting in line 1, which states the “intended use” of the database system. Function(s) following the term “for” indicate “system ability” and/or “intended use” and do(es) not hold patentable weight.

(May 31, 2006 Office action, pg. 2).

Claims 1, 11, 21, 30, 33, and 36-37 have been amended to remove the language noted by the Examiner. Applicant, however, would like to note that the language the Examiner referenced is recited in the preamble of claims 1, 11, 21, 30, 33, and 36-37. As the Examiner is probably aware, preambles are not to be construed as limitations on claims, especially when reciting purpose or intended use. *See, e.g.,* M.P.E.P. § 2111.02 (8<sup>th</sup> ed., 4<sup>th</sup> rev.). Therefore, withdrawal of the objections to the claims is respectfully requested.

### Objections to the Specification

The specification has been objected to. In particular, the Examiner states:

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP j § 608.01(o). Correction of the following is required: claims 11, 33, and 37 recite the limitation “computer readable medium containing programming instructions”. There is insufficient antecedent basis for this claim. The specification does not teach any definition of “computer readable medium” or “media” in general. Appropriate correction is required.

(May 31, 2006 Office action, pg. 3).

Applicant respectfully disagrees with the Examiner’s assertion that the term “computer readable medium” needs to be taught in the specification. One of skill in the art will readily understand the meaning and scope of the term “computer readable medium.” Further, “computer readable medium” claims are recognized as an accepted type of claim, similar to “method,” “system,” and “device” claims. Specifically, M.P.E.P. § 2106 states:

[A] claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory.

(M.P.E.P. § 2106.IV.B.1(a), 8<sup>th</sup> ed., 4<sup>th</sup> rev.)

Therefore, withdrawal of the objections to the specification is respectfully requested.

### § 101 Rejections

Claims 11-29, 33-35, and 37 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner states:

Claims 11-20 are directed to “a computer readable medium containing programming instructions for providing path-level access control”, and lacks

hardware component to enable the function to be realized. The claim is embodied in software per se, and is non-statutory. Claims 33-35 and 37 are also directed to “a computer readable medium” and contain the same limitation, and are similarly rejected.

(May 31, 2006 Office action, pg. 3).

As noted above, the term “computer readable medium” need not be taught in the specification for one of skill in the art to understand the meaning and scope of the term. In addition, contrary to the Examiner’s assertion, M.P.E.P. § 2106 clearly states that “computer readable medium” claims are statutory. *See* M.P.E.P. § 2106.IV.B.1(a) (8<sup>th</sup> ed., 4<sup>th</sup> rev.). Therefore, it is respectfully submitted that claims 11-29, 33-35, and 37 are directed to statutory subject matter under 35 U.S.C. § 101.

Claims 21-29 have also been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner states:

Independent claim 20 [sic] is directed to “a system for providing path level access control” and the limitation “a database management system in a computer system”. The claim is read to indicate that the database management system is software per se, being executed on a system, with not hardware components for the function to be realized, and is non-statutory. Dependent claims 22-29 are directed to the “a system for providing path level access controls”, lacking any hardware components, and are similarly rejected.

(May 31, 2006 Office action, pg. 4).

Claims 21-29 have been amended to recite a “computer system” comprising a “database management system” implemented thereon. Applicant respectfully submits that one of skill in the art will readily understand that the term “computer system” refers to a hardware system that includes various hardware components, such as processor, memory, etc. Since the “database management system” is implemented on the hardware “computer system”, claims 21-29 are not

purely software. Therefore, it is respectfully submitted that claims 21-29 are directed to statutory subject matter under 35 U.S.C. § 101.

### § 102 Rejections

Claims 1-37 have been rejected under 35 U.S.C. § 102(b) as being anticipated by “A Fine-Grained Access Control System for XML Documents” by Damiani et al. (hereinafter “Damiani”).

Claim 1 recites “generating a value expression for each path based on at least one of the plurality of access control rules, wherein the value expression is an executable statement utilized during access control evaluation to determine whether a user is allowed to access a node in the structured document.”

In the Office action, the Examiner states:

Damiani teaches . . . generating for each path associated with a node a corresponding value expression based on at least one access control rule of the plurality of access control rules, wherein the corresponding value expression is utilized during access control evaluation to determine whether a user is allowed to access a node in the structured document.” (pg. 186, Section 5.2 “Access Authorization” and Figure 5, wherein access authorizations express the requirement of access for each path of the object)

(May 31, 2006 Office action, pgs. 4-5). The Examiner also states:

Damiani teaches “the value expression is an executable statement indicating who is granted or denied access to the corresponding path associated with the node.” (pg. 186, Example 5.1 and Figure 5, wherein the “Sign” column indicates the subjects who are granted or denied access to each path expression associated with an object)

(May 31, 2006 Office action, pg. 5).

Figure 5 of Damiani shows a table that includes examples of access authorizations. The table has a "Subject" column indicating the persons to whom the access authorization applies to, an "Object" column indicating the resource to be protected, which is identified using a path expression or a uniform resource identifier, an "Action" column indicating the action being authorized or forbidden, a "Sign" column indicating authorization or forbiddance, and a "Type" column indicating the type of authorization (*see* pgs. 185-186 of Damiani).

Based on the Examiner's comments, it appears that the Examiner is construing the "access authorization" in Damiani as disclosing the "value expression" recited in claim 1. Claim 1, however, defines a "value expression" as "an executable statement." Nowhere does Damiani disclose, teach, or suggest that the "access authorization" is an executable statement. As Figure 5 of Damiani clearly shows, the "access authorization" does not in any way resemble an executable statement.

Further, the Examiner states in the Office action:

Damiani teaches . . . providing an access control policy for the collection, wherein the access control policy comprises a plurality of access control rule;" (pg. 183, section 5.1 "Basic Features of the Access Authorizations", wherein access authorization rules determine whether a user has access to objects)

(May 31, 2006 Office action, pgs. 4-5). Thus, it appears that the Examiner is construing the "access authorization" in Damiani as disclosing both the "value expression" and the "access control rule" recited in claim 1. Applicant respectfully submits that the "access authorization" in Damiani cannot be construed as disclosing both of elements that are recited in claim 1.

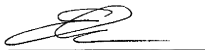
Therefore, based at least on the reasons above, it is respectfully submitted that claim 1, and the claims that depend therefrom, are not anticipated by Damiani. Since claims 11, 21, 30,

33, and 36-37 each recites elements similar to those recited in claim 1, Applicant respectfully submits that those claims, and the claims that depend therefrom, are not anticipated by Damiani for at least the same reasons.

**CONCLUSION**

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,  
SAWYER LAW GROUP LLP



Erin C. Ming  
Attorney for Applicant  
Reg. No. 47,797  
(650) 475-1449

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